P 7E

App 1 IX—1 1956 57 File o 65 57

Previous References (C7 Serial Nos 4 10

Later References

MYSORE GOVERNMENT SECRETARIAT

Serial No. Two

Part B for Oct 57

SUBJECT

Clarification of Rule 65-(6) of the Election Rules — Davangere City Municipality

WD 05150—GPB—35 000—18 10 56

L 11093 dated 20 10 57

—

The Municipal Comm Davangere City Mc

Send a reply

Dr Sharanabasappa 29/12/57

Serial No

From

The Pl Comm Davangere City - Pl

H C 48/86-87 Dt 25.7.86

Sub: Clarification re Rule 65(4) of the Election Rules —

Sub Rule 65(4) of the Pl Election Rules says down as follows —

65(4) The deposit made by or on behalf of a Candidate shall be forfeited to the Municipal Council if the Candidate is not elected and the number of Votes polled by him does not exceed one eighth of the total number of Votes polled in the division in which he stood for election

2) According to the above Rule if a Candidate fails to get above the one eighth of the total number of Votes he will forfeit his deposit — (If) he secures the equal 1/8 of the total number of Votes polled even then he is not entitled to the deposit as the Rule says down that the number should exceed the amount ~~as~~ of 1/8 of the total number of Votes polled in the division ~~to be held by the Pl Comm~~

3) The Pl Comm seeks Clarification whether a Candidate who has secured exactly 1/8 of the total number of Votes and above

Note —Cont'd Sh ot

3483(a) 5805/111

Clarification of Rule 65(b) of the Election Rules

File No of 195 Davangere City

Mysore Government Secretariat

Serial No 3487/Law

dont exceed 1/8, Con fee - refund of Candidature deposit

4) The Legislation Dept may be consulted whether a Candidate for Con fee - refund in the circumstances explained above

28/7

5) As he has secured 92 votes (more than 91½ being 1/8 of 732) the amount can not perhaps be forfeited. The Law Dept may perhaps be consulted

27/7

6)

8/8/95

EDUCATION & L S G S... 27 SEP 19..

EDUCATION 6652

Secy, L S G)

7) for favour of remarks

28/7

11/8

Law Secy)

12/8/95

Law ... 45 20 14 AUG ...

8) The opinion expressed in para 5 appears to be legally correct

For the purposes of Rule 65(b) of the Rules in question, the total number of votes polled shall have to be calculated excluding the ballot papers rejected. It is not clear from the P U D if there have been rejected ballot papers. If there are any rejected ballot papers that will further strengthen the case against forfeiture. The amount in this case cannot be forfeited.

Law Secy

9) 26/9 27/9

SEC... 45 37 14 AUG 95

28/9

WD 0260—GPB—P / S 1 30 000—21-9 55

Mysore Government Secretariat

Clarification of Rule 65-66 of the Election Rules

File No of 195

[App F III 2]

Serial No

10) The Remarks of the Law Dept are for perusal and orders

A draft letter is also put up for approval

25/28 refer para (1) to (4) above

6/10

16/10/56

Secretary

Law Dept

L 1093/CR 65-66-10

Secy to Govt, 20.10.56

Joint Secretary Law

Note—Contn Sheet

File No of 195

Mysore Government
Secretariat

Serial No

WD 03738 GPB—P Z S 50 000— 1 8 56

CM 65-56-4

DAVANGERE CITY MUNICIPALITY

No HC 48/56 57
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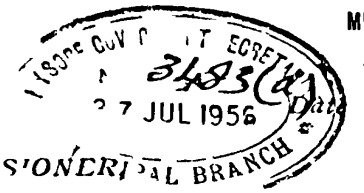
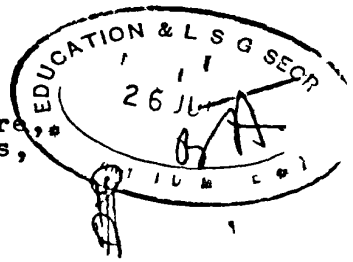


MUNICIPAL OFFICES
DAVANGERE CITY

From

25th July 1956

THE MUNICIPAL COMMISSIONER,
CITY MUNICIPALITY
DAVANGERE



To

The Secretary to the Government of Mysore,
Education and L S G Departments,
BANGALORE

Sir

Subj -

I write to state that rule 65(b) of the Mysore City Municipalities Election Rules lays down that if a candidate is not elected and the number of votes polled by him does not exceed one eighth of the total number of votes polled in the division in which he stood for election

While refunding the deposit a doubt has arisen in the case of one Sri Hayath Khan who contested in the recent Municipal General Election from 16th Division of this City He has secured 92 votes as against 732 votes polled in the 16th Division One-eighth of 732 works out to 91½ If this is to be taken as 92 the total number of votes secured by the above Sri Hayath Khan equals one-eighth of the total number of votes polled and do not exceed 1/8 to make the candidate eligible to get refund of candidature deposit There is also one more case of this kind in respect of another candidate - Sri Mohamed Ismail

732 ½
2
12

I solicit kind instructions of Government whether the candidature deposits of this kind will have to be forfeited or ~~is~~ are to be refunded in the circumstance explained above

Forwarded,

(Absent from station)
PRESIDENT,
CITY MUNICIPAL COUNCIL,
DAVANGERE

Yours Faithfully,

(D S Raghavendrachar,)
Municipal Commissioner,
Davangere City Municipality

SPH

CM 65-66-10

Subject - Clarification of Rule
65(b) of the Election
Rules — Davangere
Asy-Plty
WL 11093

D 20-10-66

To
The Pll Comm Davangere
Asy-Plty
Shri [illegible]

Sir

With Reference to your letter no
SC (Plg)-57 dt 25-7-66 on the
above subject I am directed
to state that as the Cond date
in the present case has secured
92 Votes (more than 91½ being
⅛ of 732 the amount Caution
be forfeited

Yours
16/10/66
Dy Secy

Nok 11093 CM 65-66-10

D20-10-B

The Municipal Commissioner,
Davanagere City Municipality --
through the President

Sir,

Sub - Clarification of rule 65(b) of the Election Rules - Davanagere City Municipality

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With reference to your letter No PC 48/56-57 dated 25th July 1956 on the above subject, I am directed to state that as the candidate in the present case has secured 92 votes (more than 91⅔ being 1/3th of 732, the amount cannot be forfeited

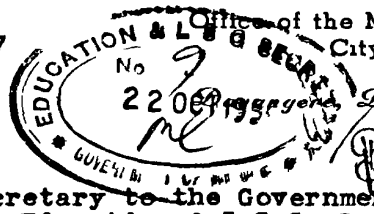
Yours faithfully,

(P Honnappa)
for Secretary to Government,
Education & LSG Departments

bws 18 10

No H C 48/56-57 Office of the Municipal Commissioner
City Municipality

Encl



Davangere, Dated 20th Octr, 1956

5805

To

The Secretary to the Government of Mysore,
Education & L S G Departments,
B A N G A L O R E

Sir,

Subject - Refund of Candidature Deposits

I write to invite kind reference to this office letter of even No dated 25-7-1956 on the above subject and to request the favour of early instruction in the matter of refund of candidature deposits since the parties are urging for settlement of their claims

Forwarded,

(Absent from Station)
PRESIDENT,
CITY MUNICIPAL COUNCIL,
D A V A N G E R E

Yours Faithfully,

(D S Raghavendrachar,)
Municipal Commissioner,
Davangere City Municipality

SPH

N — 3
C — 4